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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,128	02/20/2002	Danny L. Berlyoung	13944.112	7420
29956	7590	05/03/2006	EXAMINER	
TIMOTHY P. O'HAGAN 8710 KILKENNY CT FORT MYERS, FL 33912			BUI, BING Q	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/079,128	<b>Applicant(s)</b> BERLYOUNG ET AL.	
	<b>Examiner</b> Bing Q. Bui	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's Amendment filed on 02/16/2006 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-18 are still pending in this application, wherein claims 1 and 10 being independent.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 02/16/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application Number 10/081,513 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 7-13 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowery et al (US Pat No. 6,148,068), herein after referred as Lowery.

Regarding claim 1, referring to figures 1-4 and 8, Lowery teaches a multi-media communication management system for operation with a plurality of subscriber stations, the multi-media communication management system comprising:

a network communication circuit for multi-media communication with said plurality of subscriber stations (see fig 1 and col. 2, lns 35-52);

a control module for establishing a communication session with the subscriber stations through the network communication circuit, the control module comprising:

means for receiving an indication of a plurality of recipients selected to receive a multi-cast message (see fig 2-4 and 8; and col. 2, ln 62-col. 3, ln 29);

means for identifying a plurality of recipient subscriber stations, each recipient subscriber station being one of the plurality of subscriber stations that is associated with a corresponding one of the plurality of recipients (see fig 2-4 and 8; and col. 2, ln 62-col. 3, ln 29);

means for transmitting a message to each one of the recipient subscriber stations to participate in a session group (see fig 2-4 and 8; and col. 2, ln 62-col. 3, ln 29); and

means for multi-casting a message to the recipient subscriber stations that are participating in said session group (see fig 2-4 and 8; and col. 2, ln 62-col. 3, ln 29).

Regarding claim 2, referring to figures 1-4 and 8, Lowery teaches the multi-media communication management system of claim 1, wherein the means for receiving an indication of a plurality of recipients comprises: means for providing a list of recipient groups to an initiating subscriber station; means for receiving an indication from the

initiating subscriber station of a subscriber selection of a recipient group from said list of recipient groups; and means for identifying each recipient included within the selected recipient group (see fig 4; and col. 3, lns 44-58).

Regarding claim 3, referring to figures 1-4 and 8, Lowery teaches the multi-media communication management system of claim 2, wherein the means for providing a list of recipient groups comprises'. means for providing display content messages to the initiating subscriber station, the display content messages including the list of recipient groups; and means for providing display layout control messages to the initiating subscriber station, the display layout control messages including instructions utilized by the initiating subscriber station for displaying the list of recipient groups on a display screen associated with the initiating subscriber station (see figs 2-3 and col. 2, ln 62-col. 3, ln 43).

Regarding claim 4, referring to figures 1-4 and 8, Lowery teaches the multi-media communication management system of claim 1, wherein the means for identifying each one of the recipient subscriber stations comprises: means for identifying a recipient subscriber device associated with each one of the plurality of recipients; and means for identifying each one of the subscriber stations at which one of the recipient subscriber devices is coupled (see figs 2-4 and 8; and col. 2, ln 62-col. 3, ln 29).

Regarding claim 7, referring to figures 1-4 and 8, Lowery teaches the multi-media communication management system of claim 1, further comprising:

a service provider interface for interconnecting said network communication circuit with a service provider communication medium (see figs 2-4 and 8; and col. 2, In 62-col. 3, In 58); and

wherein the control module further comprises:

means for establishing a voice communication session with a remote voice communication device via the service provider interface (see figs 2-4 and 8; and col. 2, In 62-col. 3, In 58); and

wherein the means for receiving an indication of a plurality of recipients to receive a multicast message comprises:

means for providing a list of recipient groups to the remote voice communication device; means for receiving an indication of subscriber selection of a recipient group; means for identifying each recipient included within the recipient group (see figs 2-4 and 8; and col. 2, In 62-col. 3, In 58).

Regarding claim 8, referring to figures 1-4 and 8, Lowery teaches the multi-media communication management system of claim 7, wherein the control module further comprises:

means for establishing a data communication session with the remote communication device via the service provider interface and wherein the means for providing a list of recipient groups to the remote communication device comprises: means for providing display content messages to the remote device, the display content messages including the list of recipient groups (see figs 2-4 and 8; and col. 2, In 62-col. 3, In 58); and

means for providing display layout control messages to the remote device, the display layout control messages including instructions utilized by the remote device for displaying the list of recipient groups on a display screen associated with the remote device (see figs 2-4 and 8; and col. 2, ln 62-col. 3, ln 58).

Regarding claim 9, referring to figures 1-4 and 8, Lowery teaches the multi-media communication management system of claim 8, wherein the means for identifying a one of the plurality of subscriber stations associated with each recipient comprises: means for identifying a recipient subscriber device associated with each one of the plurality of recipients; and means for identifying each one of the subscriber stations at which one of the recipient subscriber devices is coupled (see figs 2-4 and 8; and col. 2, ln 62-col. 3, ln 58).

As to claims 10-13 and 16-18, they are rejected for the same reasons set forth to rejecting claims 1-4 and 7-9.

#### ***Allowable Subject Matter***

5. Claims 5-6 and 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 5,473,363

U.S. Pat. No. 6,178,237

U.S. Pat. No. 6,272,214

U.S. Pat. No. 6,304,648

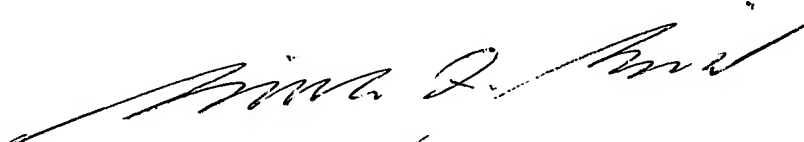
U.S. Pat. No. 7,035,230

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui, Tel. No. (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

27 April 2006



**BING Q. BUI**  
**PRIMARY EXAMINER**